

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

THOMAS L. McMILLAN,	§	
	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:06-CV-053-C
	§	ECF
	§	
MICHAEL J. ASTRUE¹,	§	
Commissioner of Social Security,	§	
	§	
Defendant.	§	

ORDER OF DISMISSAL

THIS MATTER comes before the court on the Report and Recommendation filed August 27, 2007 (Doc. 19). Plaintiff filed objections to the Report and Recommendation on September 3, 2007 (Doc 20). The court has made a *de novo* determination of the Report and Recommendation after consideration of Plaintiff's objections, the submissions of the parties, and the transcript of the administrative proceedings.

The court finds the objections to be without merit. The court further finds that the ALJ applied the correct legal standards and that substantial evidence supports his decision. The court also finds that the Report and Recommendation applied the correct legal standards

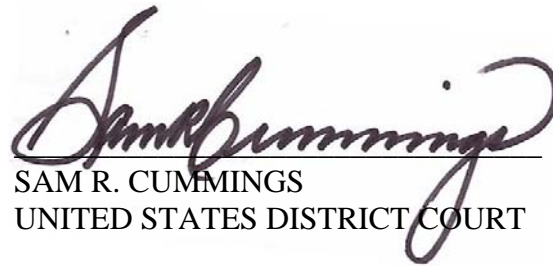
IT IS, THEREFORE, ORDERED that the Report and Recommendation is adopted by the court.

¹ Michael J. Astrue has been appointed as the new Commissioner of Social Security, effective February 12, 2007, and is therefore substituted as Defendant in this matter for Jo Anne B. Barnhart, per FED. R. CIV. P. 25(d)(1).

IT IS FURTHER ORDERED that the decision of the Commissioner is affirmed and Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that a judgment in accordance with the terms of this order shall be entered forthwith.

Dated September 6, 2007.



SAM R. CUMMINGS
UNITED STATES DISTRICT COURT